MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

ULB2612 – LABOUR LAW

(All Sections / Groups)

8 OCTOBER 2016
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Employment Act 1955 (Act 265); and
   ii. Industrial Relations Act 1967 (Act 177)
   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

"Experience shows that economic growth is not sufficient. We must do more to empower individuals through decent work, support people through social protection, and ensure the voices of the poor and marginalized are heard. As we continue our efforts to achieve the Millenium Development Goals and shape a post-2015 development agenda, let us make social justice central to achieving equitable and sustainable growth for all."

UN Secretary-General Ban Ki-moon Message for the World Day of Social Justice, 20 February 2014.

Based on the above statement discuss how International Labour Standards are created and used at the international and national level.

(Total marks: 25)

QUESTION 2

The Employment Act 1955 defines wages as basic pay and all other cash payments made to employees for their contract of services. However, the Act does not govern every aspect of wages. For example, wage rates or levels are not regulated by the Act but are determined through negotiations between an employer and an employee or, in the case of unionized companies, between the representatives of the company and the trade union. Wage determination for some employers, such as hotel and restaurant workers, are subject to the minimum wage requirements of the age Councils Ordinance 1947.

Based on the above statement discuss the procedures relating to payment of wages under the Employment Act 1955.

a) Truck System

(5 marks)

b) Wage Period

(10 marks)

c) Deductions from wages

(10 marks)

(Total marks: 25)

Continued...

QUESTION 3

Soo Yeon, single, has been an active member of the Social Union for the past 10 months. She became pregnant out of wedlock and on her 8th month of pregnancy, she was informed that she would have to deliver the baby through caesarean section because of some complications. Advise Soo Yeon on her rights under the Employment Act 1955.

(Total marks: 25)

QUESTION 4

COMPANY : LJR Frozen Food Manufacturers

The workers of this company, who belong to the South African Commercial, Catering and Allied Workers' Union (SACCAWU), have finally had enough of being treated badly at their workplace. The rules and regulations of the BCEA are not being followed, and several workers have been dismissed without the proper procedure being followed. The factory supervisor, Joel, is very abusive towards the workers, and yesterday, he refused Patience, a worker in the factory, time off work to attend her sister's funeral. The workplace is dirty, and some of the machinery is unsafe. The workers also do not receive wage slips and do not know what deductions are being made. They got together after work and discussed what their next move should be. Nomsa, who is a food packer, suggested that they should call a strike. She believes that this is the last resort to get senior management to pay attention to their grievances and to change its attitude towards the workers. They have tried on many previous occasions to address their grievances with Joel, but nothing has changed. The workers called on their shop steward, Joshua, who again brought the grievances to the attention of Joel, their immediate supervisor, but nothing has happened. The workers then held a ballot during which all but one voted in favour of embarking on strike action. The shop steward, Joshua, then served a 48-hour notice on Joel that the workers were going to embark on industrial action in the form of a strike. Discuss.

(Total marks: 25)

Continued...

QUESTION 5

The Employers' Social Security Act was introduced in 1969 and now, it applies throughout Malaysia. The Act aims to provide protection for employees (as defined under the Act) and their families against economics and social distress in situations where the employees sustain injury or death.

Based on the above statement, explain the scope and the purpose of the Act and discuss the benefits and protection provided under the Act.

(Total marks: 25)

End of Page